

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

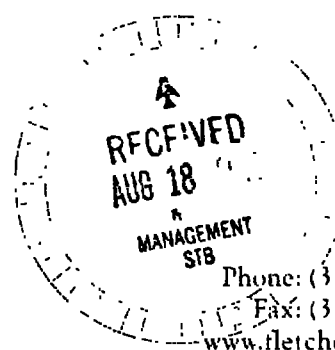
MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

ENTERED
Office of Proceedings

AUG 18 2011

Part of
Public Record

August 17, 2011



VIA OVERNIGHT DELIVERY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024

FEE RECEIVED

AUG 18 2011

**SURFACE
TRANSPORTATION BOARD**

Re: Docket No. AB-1086X – Pittsburgh & West Virginia Railroad – Abandonment
Exemption – Allegheny County, Pennsylvania

Re: Docket No. AB-227 (Sub No. 12X) – Wheeling & Lake Erie Railway Company –
Discontinuance of Sublease Rights Exemption – Allegheny County, Pennsylvania

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Joint Notice of Exemption of Pittsburgh & West Virginia Railroad and Wheeling & Lake Erie Railway Company, dated August 17, 2011, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$7,200.00 is also enclosed.

An extra copy of this transmittal letter and Notice is included as well. I would request that you date-stamp the transmittal letter and Notice to show receipt of this filing and return them to me in the provided envelope.

The required Environmental and Historic Reports for the abandonment proceeding have already been filed with the Board. Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

FILED

AUG 18 2011

**SURFACE
TRANSPORTATION BOARD**

MBJ/jc
Encl.

Michael J. Barron, Jr.

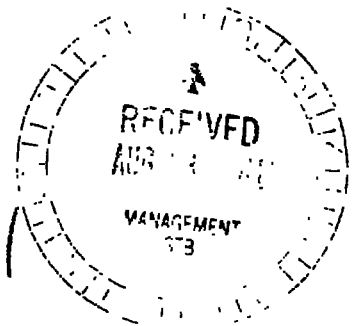
Michael J. Barron, Jr.
Counsel for Pittsburgh & West Virginia Railroad
and Wheeling & Lake Erie Railway Company

ENTERED
Office of Proceedings
AUG 18 2011
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-1086X

230831



PITTSBURGH & WEST VIRGINIA RAILROAD
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA

DOCKET NO AB-227 (SUB NO. 12X)

230832

FILED

AUG 18 2011

**SURFACE
TRANSPORTATION BOARD**

WHEELING & LAKE ERIE RAILWAY COMPANY
—DISCONTINUANCE OF SUBLEASE RIGHTS EXEMPTION—
IN ALLEGHENY COUNTY, PENNSYLVANIA

VERIFIED JOINT NOTICE OF EXEMPTION OF
PITTSBURGH & WEST VIRGINIA RAILROAD AND
WHEELING & LAKE ERIE RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50

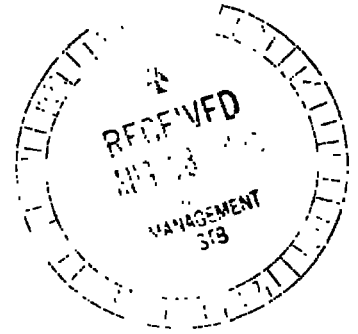
FEE RECEIVED
AUG 18 2011
**SURFACE
TRANSPORTATION BOARD**

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
PITTSBURGH & WEST VIRGINIA RAILROAD AND
WHEELING & LAKE ERIE RAILWAY COMPANY

Dated August 17, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-1086X



**PITTSBURGH & WEST VIRGINIA RAILROAD
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA**

DOCKET NO AB-227 (SUB NO. 12X)

**WHEELING & LAKE ERIE RAILWAY COMPANY
—DISCONTINUANCE OF SUBLEASE RIGHTS EXEMPTION—
IN ALLEGHENY COUNTY, PENNSYLVANIA**

**VERIFIED JOINT NOTICE OF EXEMPTION OF
PITTSBURGH & WEST VIRGINIA RAILROAD AND
WHEELING & LAKE ERIE RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Pittsburgh & West Virginia Railroad ("PWV") and Wheeling & Lake Erie Railway Company ("WLE") hereby submit this Joint Notice of Exemption pursuant to 49 C.F.R. Part 1152. Subpart F, so that PWV can abandon its line of railroad in Allegheny County, Pennsylvania, between milepost .58, near Green Tree, Pennsylvania, and milepost 2.4 near McKees Rocks, Pennsylvania, a distance of 1.82 miles, and referred to herein as the "West End Branch," and WLE can discontinue its sublease rights on the West End Branch.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), PWV and WLE submit the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

PWV is a class III common carrier by rail which owns approximately 112 miles of rail line in Pennsylvania, Ohio and West Virginia. The complete name and address of PWV is:

Pittsburgh & West Virginia Railroad
55 Edison Avenue
West Babylon, NY 11704

WLE is a class II common carrier by rail which operates approximately 825 miles of rail line in Pennsylvania, Ohio, West Virginia and Maryland. The complete name and address of WLE is:

Wheeling & Lake Erie Railway Company
100 East First Street
Brewster, Ohio 44613

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment and discontinuance of service over of out-of-service rail lines, codified at 49 C.F.R. Part 1152. Subpart F, PWV intends to abandon its line of railroad between milepost .58, near Green Tree, Pennsylvania, and milepost 2.4 near McKees Rocks, Pennsylvania, a distance of 1.82 miles in Allegheny. Pennsylvania, and WLE intends to discontinue its sublease rights to perform local and overhead common carrier service on the same line. WLE acquired these sublease rights from Norfolk and Western Railway Company pursuant to a 1990 agreement. See ICC Finance Docket 31591 Wheeling Acquisition Corp. – Acquisition and Operation Exemption – Lines of Norfolk & W. Ry. Co., served May 7, 1990¹.

Map: 49 C.F.R. § 1152.22(a)(4)

¹ Pursuant to ICC precedent, it is not necessary for Norfolk Southern Railway Company, as the current lessee of the line from PWV, to seek discontinuance authority as it is no longer a common carrier on the West End Branch. See ICC Finance Dockets 31591 and 31675, Wheeling Acquisition Corp. – Acquisition & Operation – Lines of Norfolk & W Ry. Co. and Wertheim Schroder & Co. Inc., - Continuance in Control Exemption – Wheeling & Lake Erie Ry. Co., decided December 14, 1990.

A map of the West End Branch is attached hereto as Exhibit A.

MCR's Representative: 49 C.F.R. § 1152.22(a)(7)

PWV's and WLE's representative to whom correspondence regarding the abandonment and discontinuance should be sent is:

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The West End Branch traverses United States Postal Service ZIP Code 15220.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificates and verifications attached hereto as Exhibit B, PWV and WLE certify that no local revenue traffic has moved over the West End Branch for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service of the West End Branch (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment and proposed discontinuance is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

PWV will not consummate the proposed abandonment any earlier than October 7, 2011.

WLE will not consummate the proposed discontinuance any earlier than October 7, 2011.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The West End Branch may be suitable for a trail. Given that this is an older urban area with an already-developed road system in the vicinity of the West End Branch, it would not be

suitable for a roadway. Based on information in our possession, the West End Branch does not appear to contain federally granted right-of-way.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable to these transactions is that established in *Oregon Short Line Co — Abandonment — Goshen*. 360 I.C.C. 91 (1979). No employees will be adversely affected by these transactions.

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. §§ 1105.11 and 1105.12 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental Report and Historic Report for the PWV abandonment, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since serving the Environmental Report and Historic Report, PWV has received correspondence from the Pennsylvania Department of Transportation, the Pennsylvania Historical and Museum Commission, and the Pennsylvania Department of Environmental Protection. See correspondence attached as Exhibits D, E and F, respectively. The Pennsylvania Department of Transportation supports the abandonment. The Pennsylvania Historical and Museum Commission asked for more information which was provided. The Pennsylvania Department of Environmental Protection provided information on standards and regulations that may be applicable to the salvage of the line.

No environmental or historical reporting is necessary for the WLE discontinuance. See 49 C.F.R. 1105.6(c)(2) and (6) and 1105.8(a) and (b).

Respectfully submitted,



Michael J. Barron, Jr.

Fletcher & Sippel LLC

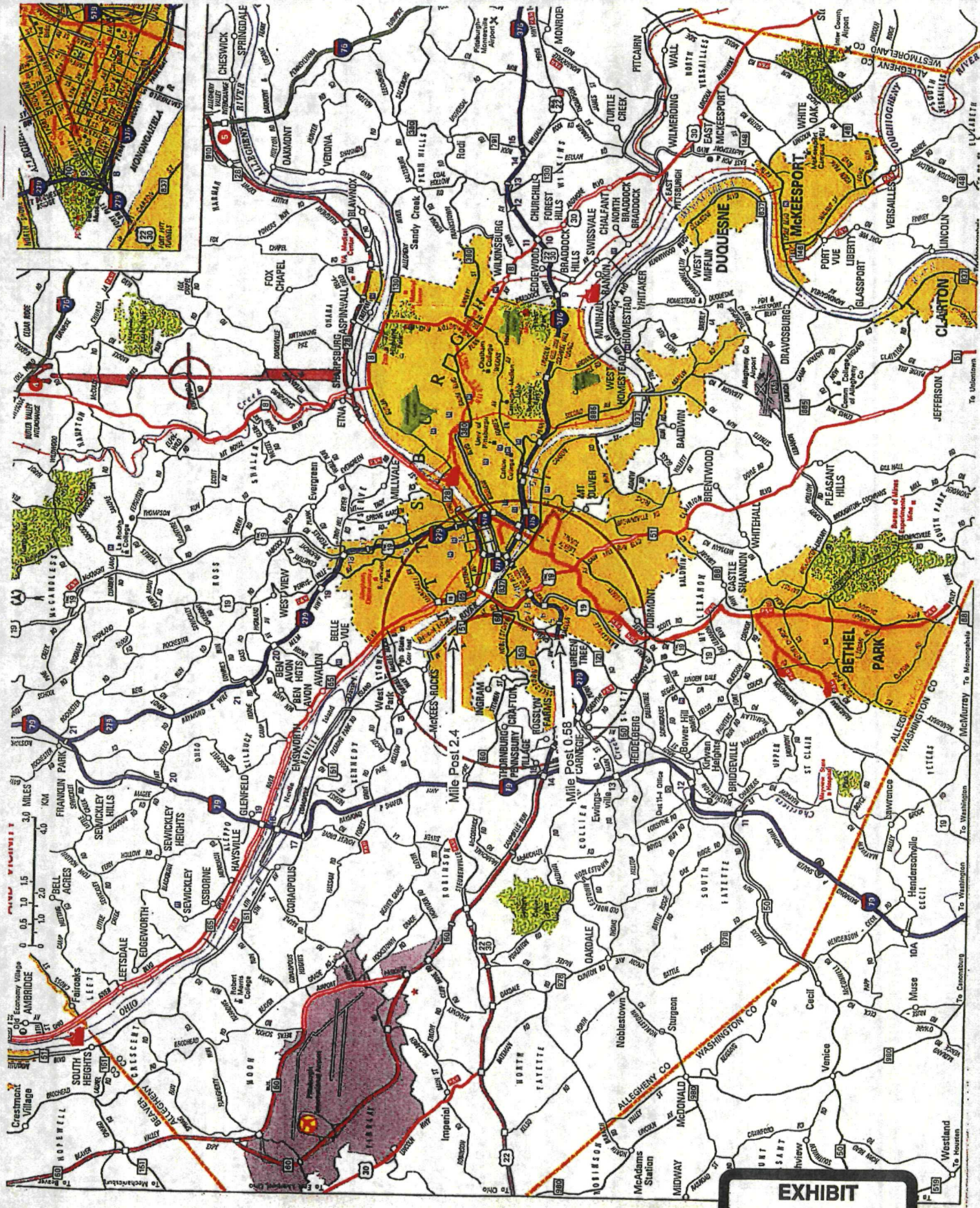
29 N. Wacker Dr., Suite 920

Chicago, IL 60606

312-252-1500

ATTORNEY FOR. PITTSBURGH & WEST VIRGINIA
RAILROAD AND
WHEELING & LAKE ERIE RAILWAY COMPANY

Dated: August 17, 2011



tabbles

EXHIBIT

A

CERTIFICATION AND VERIFICATION

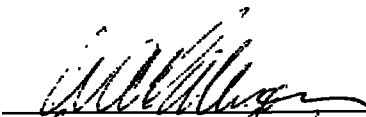
State of OHio)
) ss:
County of Stark)

William A. Callisen, being duly sworn, deposes and says that he is the President of Wheeling & Lake Erie Railway Company ("WLE") and that:


1) No local traffic has moved via WLE's sublease rights over the rail line of Pittsburgh & West Virginia Railroad ("PWV") between Milepost 0.58, near Green Tree, Pennsylvania, and Milepost 2.4, near McKees Rocks, Pennsylvania, a distance of 1.82 miles, all in Allegheny County, Pennsylvania (the "Line"), for at least two years; and that WLE handles no overhead traffic on the Line; and

2) No formal complaint filed by a user of WLE rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of such complainant during the last two years; and

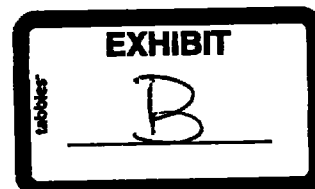
3) He has read the foregoing Notice of Exemption and knows the facts asserted therein, and the same are true as stated.


Name: William A Callisen
Title: President
for Wheeling & Lake Erie Railway Company

SUBSCRIBED AND SWORN TO
before me this 15th day
of August, 2011.


Notary Public

SHERYL L DURANT
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 08-30-14



CERTIFICATE AND VERIFICATION

STATE OF New York

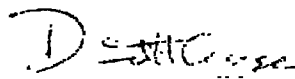
) ss

COUNTY OF Manhattan)

David Lesser being duly sworn, deposes and says that he is Chairman and CEO of Pittsburgh & West Virginia Railroad and that:

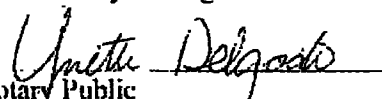
1. That no local traffic has moved over that segment of the West End Branch of Pittsburgh & West Virginia Railroad ("PWV") extending from milepost .58, near Green Tree, Pennsylvania, to milepost 2.4 near McKees Rocks, Pennsylvania, a distance of 1.82 miles all in Allegheny County, Pennsylvania, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the West End Branch is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Dated: August 12, 2011



Name: David H. Lesser
Title: Chairman & CEO
for Pittsburgh & West Virginia Railroad

Subscribed and sworn to before me
this 12th day of August, 2011


Notary Public

Yvette Delgado
State of New York Notary Public
NO. 01DE6143098
Certified in Suffolk County
Commission Expires ~~12/31/2013~~
JUL 13 2014

CERTIFICATE

I, Michael J. Barron, Jr., an attorney for Pittsburgh & West Virginia Railroad and Wheeling & Lake Erie Railway Company, hereby certify that:

A. For the proceeding before the Surface Transportation Board known as Docket No. AB-1086X, Pittsburgh & West Virginia Railroad – Abandonment Exemption – in Allegheny County, Pennsylvania:

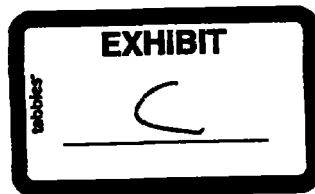
(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On August 4, 2011, written notice was mailed via first class U.S. mail to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) Recreation Resources Assistance Division, National Park Service; and (d) Pennsylvania Department of Transportation (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On July 29, 2011, the Environmental and Historic Reports for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) Pursuant to 49 C.F.R. § 1105.12, a newspaper notice was published on July 15, 2011 in the *Tribune-Review*, a newspaper of general circulation in Allegheny County, Pennsylvania. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this certificate as Attachment 7.

(4) The notice requirements of 49 C.F.R. 1105.8 have been complied with.

B. For the proceeding before the Surface Transportation Board known as Docket No. AB-227 (Sub-No. 12X), Wheeling & Lake Erie Railway Company – Discontinuance of Sublease Rights Exemption – Allegheny County, Pennsylvania:



(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with. to wit: On August 4, 2011, written notice was mailed via first class U.S. mail to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) Recreation Resources Assistance Division, National Park Service; and (d) Pennsylvania Department of Transportation (copies of which are attached hereto as Attachments 8-11).

(2) Pursuant to 49 C.F.R. § 1105.12, a newspaper notice was published on July 15, 2011 in the *Tribune-Review*, a newspaper of general circulation in Allegheny County, Pennsylvania. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this certificate as Attachment 12.

Dated this 17th day of August, 2011.



Michael J. Barron, Jr.

Counsel for Pittsburgh & West Virginia Railroad
and Wheeling & Lake Erie Railway Company

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-5357

Re: **Docket No. AB 1086; Pittsburgh & West Virginia Railroad
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Pittsburgh & West Virginia Railroad shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney on behalf of Pittsburgh & West Virginia Railroad

ATTACHMENT

1

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

Re: **Docket No. AB 1086; Pittsburgh & West Virginia Railroad
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Pittsburgh & West Virginia Railroad shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.

Attorney on behalf of Pittsburgh & West Virginia Railroad

ATTACHMENT

2

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

National Park Service
Recreation Resources Assistance Division
1849 C Street
Washington, D.C. 20240

Re: **Docket No. AB 1086; Pittsburgh & West Virginia Railroad
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Pittsburgh & West Virginia Railroad shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney on behalf of Pittsburgh & West Virginia Railroad

ATTACHMENT

3

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Pennsylvania Department of Transportation
Bureau of Rail Freight
Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

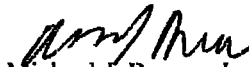
Re: **Docket No. AB 1086; Pittsburgh & West Virginia Railroad
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Pittsburgh & West Virginia Railroad shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.

Attorney on behalf of Pittsburgh & West Virginia Railroad

ATTACHMENT

4

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

Joseph A. Olczak
County of Allegheny
501 County Office Building
542 Forbes Avenue
Pittsburgh, Pennsylvania 15219-2904

July 29, 2011

Re: Docket No. AB-1086 X – Pittsburgh & West Virginia Railroad
Proposed Abandonment in Allegheny County, Pennsylvania

To Whom It May Concern:

Any time on or after August 18, 2011, Pittsburgh & West Virginia Railroad ("PWV") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located in Allegheny County, Pennsylvania, starting at milepost 0.58 and extending to milepost 2.4, a total distance of approximately 1.82 miles. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis ("SEA"), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, and refer to the above docket number.

PWV will file the Environmental Report and Historic Report with the STB on or shortly after July 29, 2011. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.
Counsel for Pittsburgh & West Virginia Railroad

Encls.

ATTACHMENT

5

SERVICE LIST

Joseph A. Olczak
County of Allegheny
Department of Public Works
501 County Office Building
542 Forbes Avenue
Pittsburgh, Pennsylvania 15219-2904

Dr. Eli N. Avila, MD
Secretary of Health
Commonwealth of Pennsylvania
Pennsylvania Department of Health
Environmental Health Section
Health and Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120

U.S. Environmental Protection Agency
Regional Office
1650 Arch Street
Philadelphia, PA 19103-2029

U.S. Fish & Wildlife Service
Regional Office
300 Westgate Center Drive
Hadley, Massachusetts 01035-9587

U.S. Army Corps of Engineers
Pittsburgh District Office
2200 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Attn. Joshua Shaffer

Pennsylvania Department of Transportation
Attn: Bureau of Rail Freight, Ports and Waterways
Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

ATTACHMENT

6

Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17210

U.S. Natural Resources Conservation Service
Pennsylvania State Office
One Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17110-2993

National Park Service
Recreation Resources Assistance Division
1849 C Street
Washington, D.C. 20240

National Geodetic Survey Information Services
Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

The Pennsylvania Department of Environmental
Protection—Central Office
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

TRIB TOTAL MEDIA **LEGAL ADVERTISING**

Proof of Publication of Notice in The Tribune-Review


Under the Act of July 9, 1976, P. L. 877, No. 160

Commonwealth of Pennsylvania

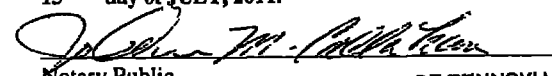
County of Westmoreland } SS:

DALYNN SCIOTTO, Classified Advertising Manager of the Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with places of business in Greensburg, Westmoreland County, Pennsylvania and Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper circulated in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz:
LEGAL# 4627084, RE: RAIL SERVICE ABANDONMENT NOTICE; 15TH DAY OF JULY, 2011.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., publisher of The Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.


Classified Advertising Manager,
Trib Total Media, Inc.

Sworn to and subscribed before me this
15TH day of JULY, 2011.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
JoAnn M. Callahan, Notary Public
City of Greensburg, Westmoreland County
My Commission Expires July 1, 2012
Member, Pennsylvania Association of Notaries

Statement of Advertising Costs

MICHAEL J. BARRON, JR.
FLETCHER & SIPPEL LLC
29 NORTH WACKER DRIVE, STE. 920
CHICAGO, ILLINOIS 60606-2832

To Trib Total Media, Inc.
For Publishing the notice or advertisement attached
hereto on the above stated dates \$300.24
Probating Same \$ 0
Total \$ 300.24*

Publisher's Receipt for

The Trib Total Media, Inc., publisher of 7
acknowledges a receipt of the aforesaid advertising and
fully paid.

Trib Total Media Inc., Publisher
of The Tribune-Review, a Daily Newspaper.

By 

ATTACHMENT

7

Notice of Intent To Abandon Rail Service Pittsburgh & West Virginia Railroad

Pittsburgh & West Virginia Railroad gives notice that, on or shortly after August 18, 2011, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of a 1.82 mile line of railroad between railroad milepost 0.58, near Green Tree, Pennsylvania and milepost 2.4 near McKees Rocks, Pennsylvania which traverses through United States Postal Service ZIP Code 15220, in Allegheny County, Pennsylvania. The proceeding will be docketed as No. AB 1086.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202)-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Government Affairs, and Compliance at (202)-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606-2832, ph. #312-252-1511. 4627084(7-15-11)

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-5357

Re: **Docket No. AB-227 (Sub No. 12X); Wheeling & Lake Erie Railway Company**
Proposed Discontinuance of Sublease Rights in Allegheny County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wheeling & Lake Erie Railway Company shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to discontinue rail service on approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney on behalf of Wheeling & Lake Erie Railway
Company

ATTACHMENT

8

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

Re: **Docket No. AB-227 (Sub No. 12X); Wheeling & Lake Erie Railway Company**
Proposed Discontinuance of Sublease Rights in Allegheny County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wheeling & Lake Erie Railway Company shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to discontinue rail service on approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


Michael J. Barron, Jr.

Attorney on behalf of Wheeling & Lake Erie Railway
Company

ATTACHMENT

9

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

National Park Service
Recreation Resources Assistance Division
1849 C Street
Washington, D.C. 20240

Re: **Docket No. AB-227 (Sub No. 12X); Wheeling & Lake Erie Railway Company
Proposed Discontinuance of Sublease Rights in Allegheny County, Pennsylvania**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wheeling & Lake Erie Railway Company shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to discontinue rail service on approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney on behalf of Wheeling & Lake Erie Railway
Company

ATTACHMENT

10

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 4, 2011

VIA FIRST CLASS MAIL

Pennsylvania Department of Transportation
Bureau of Rail Freight
Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

Re: **Docket No. AB-227 (Sub No. 12X); Wheeling & Lake Erie Railway Company**
Proposed Discontinuance of Sublease Rights in Allegheny County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wheeling & Lake Erie Railway Company shall on or after August 18, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to discontinue rail service on approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Code 15220.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours.



Michael J. Barron, Jr.
Attorney on behalf of Wheeling & Lake Erie Railway
Company

ATTACHMENT

11



TRIB TOTAL MEDIA LEGAL ADVERTISING

Proof of Publication of Notice in The Tribune-Review Under the Act of July 9, 1976, P. L. 877, No. 160

Commonwealth of Pennsylvania
County of Westmoreland } SS:

DALYNN SCIOTTO, Classified Advertising Manager of the Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with places of business in Greensburg, Westmoreland County, Pennsylvania and Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper circulated in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz:
LEGAL# 4627074, RE: DISCONTINUANCE NOTICE; 15TH DAY OF JULY, 2011.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., publisher of The Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Dalynn Sciotto
Classified Advertising Manager,
Trib Total Media, Inc.

Sworn to and subscribed before me this
15TH day of JULY, 2011.

JoAnn M. Callahan
Notary Public
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
JoAnn M. Callahan, Notary Public
City of Greensburg, Westmoreland County
My Commission Expires July 1, 2012
Member, Pennsylvania Association of Notaries

Statement of Advertising Costs

MICHAEL J. BARRON, JR.
FLETCHER & SIPPEL LLC
29 NORTH WACKER DRIVE, STE. 920
CHICAGO, ILLINOIS 60606-2832

To Trib Total Media, Inc.
For Publishing the notice or advertisement attached
hereto on the above stated dates \$308.58
Probating Same \$ 0
Total \$ 308.58*

Publisher's Receipt for

The Trib Total Media, Inc., publisher of
acknowledges a receipt of the aforesaid advertising and
fully paid.

Trib Total Media Inc., Publisher
of The Tribune-Review, a Daily Newspaper.

By *[Signature]*

ATTACHMENT

12

Notice of Intent to Discontinue Sublease Rights -
Wheeling & Lake Erie Railway Company
Wheeling & Lake Erie Railway Company ("W L E") gives notice that on or shortly after August 18, 2011, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments and Discontinuances permitting the discontinuance of WLE's sublease rights on approximately a 1.82 mile line of railroad between railroad milepost 0.58, near Green Tree, Pennsylvania and milepost 2.4 near McKees Rocks, Pennsylvania which traverses through United States Postal Service ZIP Code 15220, Allegheny County, Pennsylvania. The proceeding will be docketed as No. AB 227 (Sub-No. 12X).
The proposed discontinuance is exempt from the Board's environmental and historic reporting requirements 49 C.F.R. 1105.6(c) and 1105.8(b). Interested persons may make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Public use conditions and rail banking/trails use are not available in proceedings involving only a discontinuance and not an abandonment. An original and ten copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423 [see 49 C.F.R. 1104.1(a) and 1104.3(a)]. Questions regarding offers of financial assistance or the Board's discontinuance procedures may be directed to the Board's Office of Public Assistance Government Affairs & Compliance at (202) 245-0238.
Copies of any comments or requests for conditions should be served on WLE's representative at the following address:
Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Ste 920
Chicago, Illinois 60606-2832
(312) 252-1500

4627074(7-15-11)

Michael Barron, Jr.

From: Moon-Sirianni, Cheryl <CSIRIANNI@pa.gov>
Sent: Thursday, August 04, 2011 12:15 PM
To: Michael Barron, Jr.
Cc: Gulick, Sarah; Stettler, Thomas; McCracken, Betty L; Kronz, George; Young, Mark; Francis, Malek; Harvey, Donald
Subject: FW: Environmental Report for Docket AB 1086

Michael,
I didn't know if you needed a formal response from the Department or not on the abandonment of the West End Spur since we were the one who initiated the sale. I have an Environmental Document that the Department had approved by FHWA to allow us to purchase the railroad line. I didn't know if you needed a copy of that or not for your files. In addition, I had our Assistant Environmental Manager review your report and as noted below, he did not have a comment or concern.

Please let me know if you need any further documentation from the Department. I appreciate your efforts to finally move this forward!

Thanks again,
Cheryl

Cheryl Moon-Sirianni, P.E. | Assistant District Executive, Design
PA Department of Transportation
Engineering District 11-0
45 Thoms Run Road | Bridgeville PA 15017
Phone: 412.429.5005 | Fax: 412.429.5069
www.dot.state.pa.us

*Notice: On **Friday, July 29th**, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: csirianni@state.pa.us will now be csirianni@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications*

From: Kronz, George
Sent: Thursday, August 04, 2011 11:41 AM
To: Moon-Sirianni, Cheryl
Subject: Environmental Report for Docket AB 1086

Cheryl,
I have reviewed the Environmental Report prepared for Docket AB 1086 (P&WV RR abandonment). I have no comments or concerns with the report, but please keep me advised if any additional information becomes available.

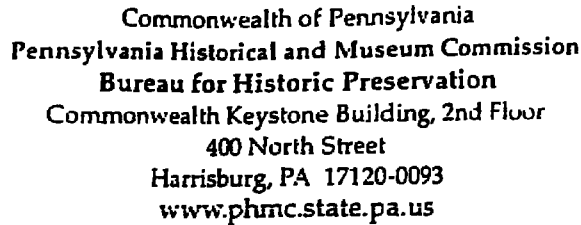
Please let me know if you need any additional information.

Thanks,
George

George Kronz | Assistant Environmental Manager
PA Department of Transportation
Engineering District 11-0
45 Thoms Run Road | Bridgeville PA 15017
Phone: 412.429.4856 | Fax: 412.429.5069
www.dot.state.pa.us | gkronz@pa.gov



*Notice: On ****Friday, July 29th****, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: gkronz@state.pa.us will now be gkronz@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.*



28

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
BUREAU FOR HISTORIC PRESERVATION

INFORMATION REQUEST SHEET

(Revised 4/07)

Please submit checked items for PHMC to proceed with review.

PROJECT INITIATION

A. FUNDING/PERMITTING/LICENSING/APPROVAL PROGRAM

- ☐ 1. Contact person for federal/state/local agency, address, phone number.
- ☐ 2. Letter from federal agency initiating consultation, or a letter from federal agency authorizing an alternate agency or a consultant to initiate consultation.
- ☐ 3. Identify the Federal/State Agency and funding program or permit/license.

B. PROJECT DESCRIPTION

- ☐ 1. Narrative description of the project and related actions resulting from the project.
- ☐ 2. Proposed boundary of the project's Area of Potential Effect (APE) (remember to consider visual impacts)
- ☐ 3. Description and Justification of selection of the Area of Potential Effect
- ☐ 4. Architectural plans of existing conditions (as-built or as-found)
- ☐ 5. Preliminary architectural drawings or plans (floor plans, elevations, specifications)
- ☐ 6. Work write-ups
- ☐ 7. Plans and specifications
- ☐ 8. Site plans of existing conditions
- ☐ 9. Site plans of proposed development

C. PROJECT LOCATION

- ☒ 1. U.S.G.S. 7.5 min. series quadrangle with the **PROJECT LOCATION(S) AND LIMITS CLEARLY MARKED** using a colored pen. Please include name of the quadrangle
- ☐ 2. U.S.G.S. 7.5 min. series quadrangle with Area of Potential Effect marked (potential area of direct effect can be delineated inside area of indirect effect)
- ☐ 3. Street map (for properties in densely populated areas)
- ☐ 4. Street map showing location and historic district boundaries (if appropriate)
- ☐ 5. Street address of property
- ☐ 6. Municipality in which project is located (not mailing address location)

D. PROJECT SIZE (supply as appropriate for project)

- ☐ 1. Acreage of project area
- ☐ 2. Miles/feet of project and right-of-way width
- ☐ 3. Extent and nature of ground disturbing activities (i.e. grading, trenching, foundation excavation)

(over)

E. PHOTOGRAPHS (no Polaroids, or photocopies. Clear, high resolution digital images accepted.)

- ☐ 1. Exterior of building(s)/structures in project area
- ☐ 2. Interior of building(s) in project area
- ☐ 3. Interior of building(s) illustrating the proposed work areas/features
- ☐ 4. Buildings, streetscape, setting of features in Area of Potential Effect (APE)
- ☐ 5. Views of project site
- ☐ 6. Other _____

PUBLIC PARTICIPATION

- ☐ 1. Measures which will be/or have been taken to identify consulting parties.
- ☐ 2. List of proposed consulting parties.
- ☐ 3. Measures which will be/or have been taken to notify and involve the public.

RESOURCE IDENTIFICATION, EVALUATION AND PROJECT EFFECT

A. CULTURAL RESOURCE IDENTIFICATION

- ☐ 1. Description of methodology used for identification and sources examined.
- ☐ 2. Plan proposed for identification of historical (including historic districts, buildings, structures, objects) and archaeological resources and proposed methodology to be used.
- ☐ 3. Pennsylvania Historic Resource Survey form(s) for all properties 50 years or older and potentially eligible for the National Register identified in the APE. (See our website at: www.phmc.state.pa.us click on "Preservation Programs" and then "Forms")
- ☐ 4. Historical background/context report/information for historic resources identified.

B. EFFECTS

- ☐ 1. How will the project affect building(s) over 50 years old?
- ☐ 2. National Register listed/eligible property(s) exists in project area. How will the project affect this historic property(s)?

C. Other: _____

Michael Barron, Jr.

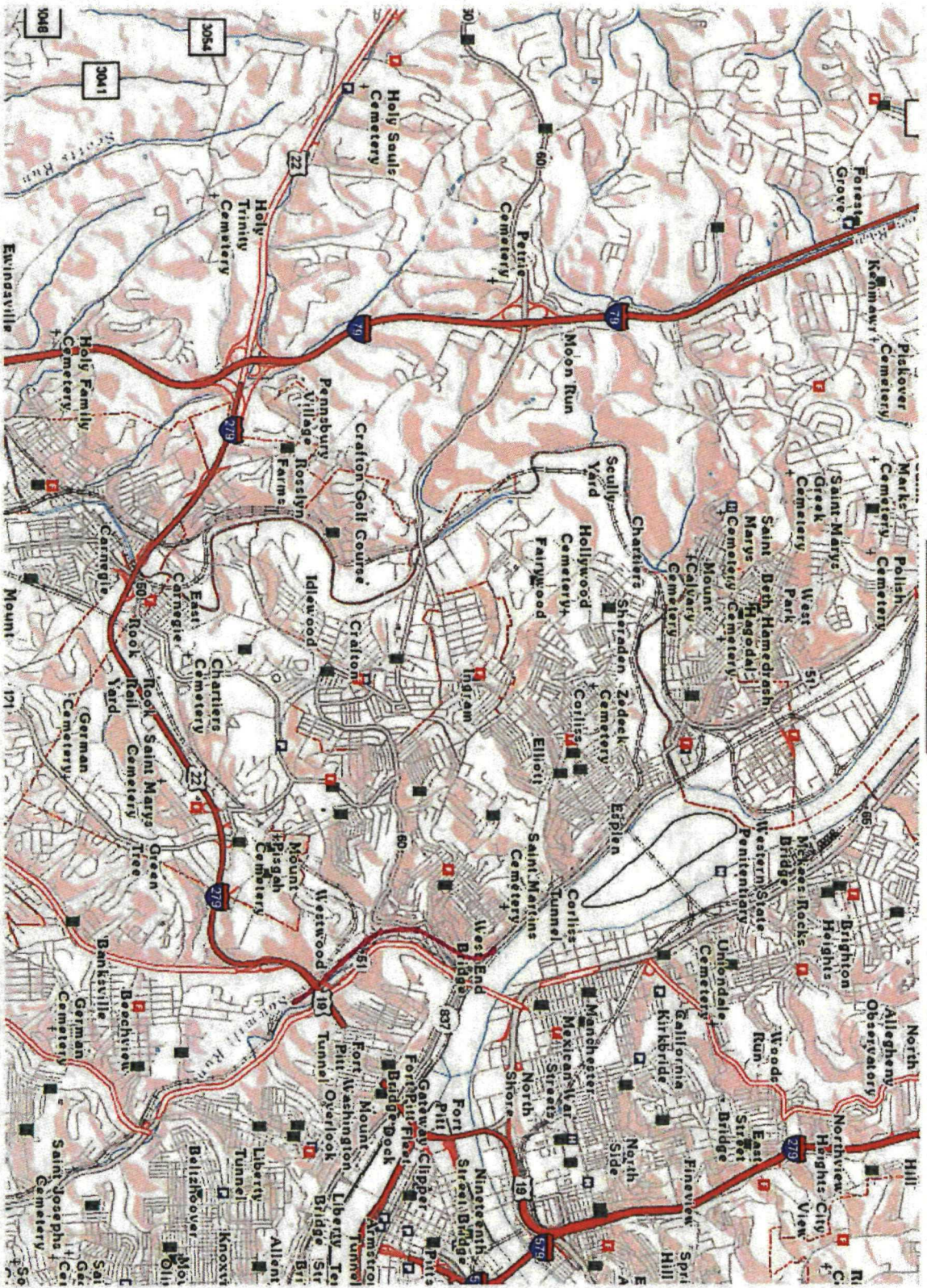
From: Michael Barron, Jr.
Sent: Tuesday, August 09, 2011 9:23 AM
To: 'dmclearen@state.pa.us'
Cc: 'rsafley@state.pa.us'; 'Moon-Sirianni, Cheryl'
Subject: West End Branch Abandonment, ER #2011-1998-003-A
Attachments: SKMBT_C25311080908020.pdf

Mr. McLearen, I received your letter of August 2 concerning the West End Branch abandonment (being done in support of the West End Improvement Project). Your letter sought a map with project limits marked on it in color.

Attached is a map with the project limits drawn in purple (running roughly from the West End Bridge to I-279). Will this suffice?

Michael Barron
Fletcher & Sippel
29 N. Wacker Dr.
Ste 920
Chicago, IL 60606-2832
Phone 312-252-1511
Fax 312-252-2400
Email: mbarron@fletcher-sippel.com

Pittsburgh West End





pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST REGIONAL OFFICE



August 10, 2011

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Dr., Suite 902
Chicago, IL 60606-2832

Re: Pittsburgh & West Virginia Proposed Abandonment
Railway Project
Allegheny County

Dear Mr. Barron:

DEP's regional program staff have reviewed the above project for environmental regulatory and policy requirements, and submit the following comments for your attention. These comments are only based on project information you provided, and may not be comprehensive. The applicant has the responsibility of complying with all relevant environmental laws and regulations for the project.

General

1. The applicant should contact the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, Box 1026, Harrisburg, PA 17108-1026, telephone number 717.783.8946, to determine if the project will pass through or otherwise impact historic or archaeological sites. Any review comments by the commission should be included with the appropriate DEP permit applications.
2. The Pennsylvania Natural Diversity Inventory List (PNDI) should be cross-checked against the site location to determine if any resources of special concern are located within the project area.
3. Any utility company with transmission lines within the project area should be contacted at least 30 days prior to work start by the contractor. The applicant or contractor should call 1.800.242.1776 before beginning any excavation.

Air Quality

4. Demolition waste cannot be burned.
5. Fugitive dust emissions must be controlled according to 25 Pa. Code Section 123.1.
6. For any project located in Allegheny County, notification of the project should be sent to Allegheny County Health Department, Air Quality Division, Clack Health Center, Building 7, 3901 Penn Avenue, Pittsburgh, PA 15224, 412.578.8103.

400 Waterfront Drive, Pittsburgh, PA 15222-4745

412.442.4000 FAX 412.442.4194

DEPARTMENT OF ENVIRONMENTAL PROTECTION

www.dep.state.pa.us

Environmental Cleanup

7. If you encounter contaminated soil during excavation contact the Southwest Region's Waste Management representative at 412.442.4125, and Environmental Cleanup Program representative at 412.442.5217, for proper management.
8. If above or below-ground storage tanks are to be removed, contact the Department's Storage Tank Program representative at 412.442.4091 to ensure that the requirements of 25 Pa. Code Chapter 245 are met. If existing or new storage tanks will be used to store material, contact our Division of Storage Tanks at 717.772.5599 regarding requirements for tank registration.

Oil and Gas

9. The applicant or contractor should contact DCNR's Bureau of Topographic and Geologic Survey at 412.442.4235, 500 Waterfront Drive, Pittsburgh, PA 15222, in order to determine whether any existing or abandoned oil and gas wells are known to exist within the project boundary. Adequate plugging of such wells is required.

Watershed Management

10. Work in and along streams and wetlands requires a Water Obstruction and Encroachment Permit from the Permitting & Technical Services Section. The area regulated is the stream and any area within the 100-year flood boundaries of any Federal Flood Insurance Study or 50 feet from the top of each stream bank if no flood insurance study exists. All wetland impacts are regulated. Please contact the Permitting & Technical Services representative at 412.442.4315.
11. Persons proposing or conducting earth disturbance activities must develop, accelerated erosion and sedimentation and to manage post construction stormwater. Written Erosion and Sedimentation Control Plans are required for projects if earth disturbance activities will result in a total disturbance of equal to or greater than 5,000 square feet or if the activity has the potential to discharge to a water classified as a High Quality (HQ) or Exceptional Value (EV) water under DEP's Chapter 93 regulations. If your project involves construction activities, including clearing and grubbing, grading and excavation activities, involving 1 acre or more of earth disturbance an NPDES Permit for Stormwater Discharges Associated with Construction Activities is required. The NPDES permit will typically be a General Permit PAG-2 unless the project is located in a HQ or EV Watershed or there is a potential for contaminated soil on site. If the project is located within an HQ or EV Watershed or there is a potential for contaminates soil on site an individual NPDES permit is required.

For specific guidance on your project please contact the County Conservation District office for the county in which your project is located. The Conservation District will review and approve Erosion and Sedimentation Control Plans and NPDES General

Permits (PAG-2). Individual NPDES permits are reviewed by the Conservation District however the permits are issued by the DEP's Regional Office after final review and concurrence.

Waste Management

12. For construction/demolition and deconstruction projects, you should evaluate the materials generated to determine what can be recycled, salvaged or processed for reuse. Please visit DEP's website: www.dep.state.pa.us and enter DEP Key word: "Construction and Demolition Waste" to find further information on handling construction/demolition material.

Any remaining solid waste including non-useable construction and demolition waste, asbestos, and other materials must be properly stored and disposed promptly at an approved facility. For further information, call 412.442.4156.

Water Supply Management

13. All downstream public water supplies which may potentially be affected by sedimentation or stream flow changes must be directly contacted by the contractor at least 30 days prior to work start. Any public water supply problem resulting from this project must immediately be reported to DEP's Bureau of Water Standards & Facility Regulation at this address.

Water Management

14. Any activities utilizing pollutants are required by Section 91.34 of Title 25 to take all necessary measures to prevent the substances from reaching waters of the Commonwealth. A Preparedness, Prevention and Contingency Plan (PPC Plan) must be developed and maintained on site for this project in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at "<http://www.depweb.state.pa.us/dep/site/default.asp>" and click on "Technical Guidance" and type 400-2200-001 into the search field.
15. Wastewater Discharges - Any discharge to a waterway or the ground surface requires either an NPDES discharge permit, Water Quality Management Part II Permit or temporary discharge approval. Temporary discharge approvals must meet the current guidelines. If treatment facilities are needed to meet the effluent limitations imposed by the NPDES permit, a Part II permit is required for the construction of those treatment facilities. If wastewater from an industrial process is recirculated/reused, an NPDES permit would not be needed. Contact DEP's Water Management Program representative at 412.442.4038.

16. Waste concrete and concrete truck wash down can be harmful to aquatic life. Care should be taken to keep waste concrete and concrete truck wastewater from reaching storm drains, streams, drainage ditches and catch basins.

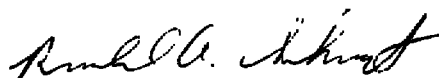
You may access our eMapPA website at:

<http://www.emappa.dep.state.pa.us/emappa/viewer.htm> to view the facilities of environmental interest or concern that are near your proposed project.

The Department of Environmental Protection (DEP) will coordinate the review of multiple permits for proposed projects to ensure efficient use of its resources, thorough environmental review, and consistent department action on proposed projects before the commencement of operations, construction or other activities that require DEP permits or approvals.

Should you have any questions or if the project is significantly modified in the future, please contact this office at the telephone number listed above.

Sincerely,



Ronald A. Schwartz, P.E.. BCEE
Assistant Regional Director
Southwest Regional Office